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HOUSE OF DELEGATES



**EIGHTY-SECOND
LEGISLATURE
SECOND REGULAR
SESSION**
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HOUSE**

— * —

Thursday, February 4, 2016

TWENTY-THIRD DAY

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Wednesday, February 3, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Nelson, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 2951, Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2951) was referred to the Committee on the Judiciary.

Delegate Nelson, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4319, Including in the definition of "veteran" active members of the Guard and Reserve in order to exempt them from fees charged by the Secretary of State,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4319) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4096, Board of Examiners in Counseling, rule relating to licensing,

And,

H. B. 4099, Board of Examiners in Counseling, rule relating to marriage and family therapists licensing,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4096 and H. B. 4099) were each referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4097, Board of Examiners in Counseling, rule relating to marriage and family license renewal and continuing professional education requirements,

And,

H. B. 4098, Board of Examiners in Counseling, rule relating to licensed professional counselor license renewal and continuing professional education requirements,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4097 and H. B. 4098) were each referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4186, Relating to additional duties of the Public Service Commission,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4186 - "A Bill to amend and reenact §29A-1-3 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §24A-2-2b, all relating to the Public Service Commission; establishing a complaint review process; setting forth burden of proof on carrier; developing a process for aggrieved parties to recover charges; establishing factors for commission to consider whether charges are fair, just, and reasonable; providing commission authority to establish civil penalties for violations; prohibiting indemnification in certain instances; requiring carriers to list rates on invoices; authorizing commission to suspend or revoke operating authority; providing limited rule-making

authority to the commission as it relates to Common Carriers by Motor Vehicles; sunseting the rule and providing for its reauthorization; and providing for a legislative audit,”

With the recommendation that the committee substitute do pass.

Delegate Espinosa, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H.B. 4325, Requiring promulgation of a rule to provide for payment of tuition by county boards of education to the Mountaineer Challenge Academy,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4235) was referred to the Committee on Finance.

Delegate Espinosa, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4261, Prohibiting the sale or transfer of student data to vendors and other profit making entities,

And,

H. B. 4291, Increasing penalties for teachers who commit sexual offenses against children,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4261 and H. B. 4291) were each referred to the Committee on the Judiciary.

Delegate Espinosa, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4322, Expanding the Learn and Earn Program,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4322) was referred to the Committee on Finance.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4073, Racing Commission, rule relating to thoroughbred racing,

H. B. 4074, Racing Commission, rule relating to pari-mutuel wagering,

H. B. 4105, State Election Commission, rule relating to the West Virginia Supreme Court of Appeals public campaign financing program,

And,

H. B. 4137, Department of Tax and Revenue, rule relating to the payment of taxes by electronic funds transfer,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4073, H. B. 4074, H. B. 4105 and H. B. 4137) were each referred to the Committee on the Judiciary.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4078, Department of Tax and Revenue, rule relating to an exchange of information,

H. B. 4121, Division of Highways, rule relating to the state transportation infrastructure fund program,

And,

H. B. 4133, Property Valuation and Procedures Commission, rule relating to tax map sales,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4078, H. B. 4121 and H. B. 4133) were each referred to the Committee on the Judiciary.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 123 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3E-3 of said code; to amend and reenact §30-5-14 of said code; to amend and reenact §30-7-15a of said code; and to amend and reenact §30-14-11 of said code, all relating to treatment for sexually transmitted diseases; providing for expedited partner therapy; defining terms; allowing prescribing of antibiotics to sexual partners of patient without prior examination of partner; requiring patient counseling; establishing counseling criteria; requiring informational materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; requiring rulemaking; and providing that physicians, physician assistants, pharmacists and advanced practice registered nurses are not subject to disciplinary action for providing certain treatment for sexually transmitted diseases for sexual partners of patient"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 254 - "A Bill to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting county parks and recreation commissions from promulgating or enforcing rules and regulations which prohibit possession of firearms; and providing magistrate courts with concurrent jurisdiction"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 261 - "A Bill to amend and reenact §5-1-25 of the Code of West Virginia, 1931, as amended, relating to the designation of daylight saving time"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 268 - "A Bill to repeal §5A-1-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §4-11-5 of said code; to amend and reenact §12-1-12a of said code; to amend and reenact §12-6-6 of said code; and to amend and reenact §12-6C-15 of said code; all relating to Council of Finance and Administration; eliminating requirement for the Governor to receive a recommendation from the council on matters related to appropriation of federal funds; eliminating requirement for State Treasurer to submit reports to the council; eliminating requirement for the West Virginia Investment Management Board to submit audits and information to the council; and eliminating requirement for West Virginia Board of Treasury Investments to submit audits, reports and information to the council"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 306 - “A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to sale of county or district property; permitting property be sold at an on-site public auction or by utilizing an Internet-based service; and requiring notice of sale include notice of the time, terms, manner and place of sale or the Internet-based service to be utilized”; which was referred to the Committee on Political Subdivisions then Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 369 - “A Bill to repeal §18-2-5g of the Code of West Virginia, 1931, as amended; to repeal §18-2E-3g of said code; to repeal §18B-5-8 of said code; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-2I-5 of said code; to amend and reenact §18-3-12 of said code; to amend and reenact §18-5-44 of said code; to amend and reenact §18-20-5 and §18-20-8 of said code; to amend and reenact §18A-2-3 of said code; to amend and reenact §18A-4-7a of said code; to amend and reenact §18A-5-1a of said code; to amend and reenact §18B-1-10 of said code; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-1D-8 of said code; to amend said code by adding thereto a new section, designated §18B-1D-8a; to amend and reenact §18B-1E-3 and §18B-1E-4 of said code; to amend and reenact §18B-2B-6 of said code; to amend and reenact §18B-2C-3 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-10-1 of said code; to amend and reenact §18B-13-5 of said code; to amend and reenact §18B-18-6 of said code; to amend and reenact §18C-3-4 of said code; to amend and reenact §18C-5-7 of said code; and to amend and reenact §18C-7-5 of said code, all relating to legislative education reporting requirements; repealing obsolete section providing for establishment of a special five-year demonstration

professional development school project for improving academic achievement including requirement for status reports to commission; repealing requirement for review, evaluation and report to commission on reports required to be written by principals and teachers; repealing section requiring Higher Education Policy Commission to report to commission on in-state and out-of-state contracts and purchases; removing requirement for Office of Education Performance Audits to report to commission on each appeal of on-site review findings; removing requirement for report to the commission on the effectiveness of staff development resulting from expenditures from Strategic Staff Development Fund; removing requirement for status report to commission relating to Special Community Development School Pilot Program; removing requirement for report to commission on progress of implementation of early childhood education programs for all children who have attained the age of four prior to September 1 of the school year in which the pupil enters the program; removing requirement for report to the commission and the Joint Committee on Government and Finance that addresses, at a minimum, certain early childhood education program issues; removing requirement for State Superintendent of Schools to review the rules, policies and standards of the state and federal law for serving the needs of certain exceptional children and removing requirement for report to commission on the findings of the review along with an accounting of the services provided and the costs thereof; removing requirement for annual report to commission, the Joint Committee on Education, the Legislative Commission on Juvenile Law, and other agencies, as appropriate, which recommends policies, procedures and legislation for effectively providing early intervention services and reports on the status of existing programs; removing requirement for State Board of Education to review the status of employing prospective employable professional personnel and the requirement for an annual report to the commission which must include certain minimum prospective employable professional personnel-related items; removing requirement that county board of education submit a copy of its policy defining which policies are lateral positions to the state board within thirty days of any adoption or modification and the requirement that the state board compile a

report and submit the report to the commission; removing the requirement that county boards report the number of students determined to be dangerous students to the state board, and the requirement that the state board compile the statistics and report its findings to the commission; removing the reporting requirements on the cooperative relationship between Potomac State College and Eastern West Virginia Community and Technical College; removing the requirement that the Higher Education Policy Commission report on its performance, capital investment priorities, and recommendations for statutory changes; listing certain reports that are not required to be made annually to the Legislature but instead requiring them to be combined with other reports, including certain personnel, classification, compensation and human resources reports, all capital appropriation requests, priorities and campus and state capital development plans, all academic related matters and reports, and all financial aid reports; removing obsolete requirements that the findings, conclusions and recommendations of the Revitalization Project for WVU-Tech study, together with the revitalization plan for implementation, shall be reported to the Higher Education Policy Commission and the governing board, that the revitalization plan be delivered to the Legislative Oversight Commission on Education Accountability, and that the commission consider the proposed plan and approve or disapprove; removing requirement that Chancellor report to the Legislative Oversight Commission on Education Accountability on allocation of funds to support revitalization project at WVU-Tech and on progress made in implementing the purposes and intent of revitalization project article and components of the revitalization plan; removing requirement that Higher Education Policy Commission and governing board provide to the Legislative Oversight Commission on Education Accountability a detailed summary of all revitalization project activities undertaken; removing requirement that Community and Technical College Council report on its performance, capital investment priorities and recommendations for statutory changes; removing requirement for report on community and technical college progress toward meeting statutory goals and whether statewide independently accredited community and technical college should be created; removing requirement for status

report on workforce development initiatives; removing requirement for annual report on auxiliary fees; removing requirement that Higher Education Policy Commission report on technical assistance and associated costs provided to qualified businesses within the higher education and industry partnership; removing requirement for annual status report on the Eminent Scholars Endowment Trust Fund; removing requirement of an annual report on number of nursing scholarship recipients; removing requirement to report on status of Higher Education Adult Part-Time Student Grant Program; and removing requirement for annual recommendation to encourage PROMISE recipients to live and work in West Virginia after graduation”; which was referred to the Committee on Education.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Hanshaw, Sponaugle, McCuskey, Skinner, Manchin, Marcum, Hicks, Miley, Fluharty and Shaffer:

H. B. 4394 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-8A-1, §5A-8A-2, §5A-8A-3, §5A-8A-4, §5A-8A-5, §5A-8A-6, §5A-8A-7, §5A-8A-8, §5A-8A-9, §5A-8A-10 and §5A-8A-11, all relating to adopting the uniform electronic legal material act; providing a short title, definitions, applicability, legal material in official records, authentication of electronic records, effects of authentication, preservation and security of legal material in official electronic records, public access to legal materials in electronic records, standards, uniformity of application and construction and relation to electronic signatures in global and national commerce act”; to the Committee on the Judiciary.

By Mr. Speaker (Mr. Armstead), and Delegate Miley

[By Request of the Executive]:

H. B. 4395 - “A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article designated §16-5X-1, §16-5X-2, §16-5X-3, §16-5X-4, §16-5X-5, §16-5X-6, §16-5X-7, §16-5X-8, §16-5X-9, §16-5X-10 and §16-5X-11; and to amend and reenact §60A-9-5 of said code, all relating to the licensing and regulation of medication-assisted treatment programs for substance use disorders; repealing the regulation of opioid treatment programs; providing definitions; creating licenses for medication-assisted treatment programs, including providers and clinics; providing for regulation and oversight by the Office of Health Facility Licensure and Certification; designating necessity for a medical director and prescribing minimum training and performance requirements; allowing enrollment as a Medicaid provider; setting forth minimum certification requirements; mandating state and federal criminal background checks; designating who may prescribe and dispense medication-assisted treatment medications; setting certain minimum practice standards and patient treatment standards for any provider or clinic prescribing or dispensing medication-assisted treatment medications; restricting the location of medication-assisted treatment clinics; allowing for variances from certification or licensure standards; permitting inspection warrants; providing for an administrative review and appeal process; allowing civil monetary penalties; designating license limitations for deviation for accepted practice or patient treatment standards; permitting the secretary to promulgate rules, including emergency rules; establishing a state authority and state oversight authority for medication-assisted treatment programs; mandating data collection; and granting the Office of Health Facility Licensure and Certification access to the Controlled Substances Monitoring Database for use in certification, licensure and regulation of health facilities”; to the Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Mr. Speaker (Mr. Armstead), and Delegate Miley

[By Request of the Executive]:

H. B. 4396 - “A Bill to amend and reenact §5B-2B-1, §5B-2B-2, §5B-2B-3, §5B-2B-4, §5B-2B-4a, §5B-2B-5, §5B-2B-6 and §5B-2B-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5B-2B-4b, all relating to the West Virginia Workforce Development Board; updating West Virginia Workforce Investment Act to West Virginia Innovation and Opportunity Act; defining terms; creating West Virginia Workforce Development Board; providing for composition of West Virginia Workforce Development Board; setting forth requirements for board members; setting forth duties of board; updating reporting requirements; requiring open proceedings of board and updating language”; to the Committee on Industry and Labor then Government Organization.

By Delegates Deem, Kelly, Azinger, Border and Anderson:

H. B. 4397 - “A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting certain child care facilities from licensure, certification, approval and registration requirements”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Skinner, Eldridge, Manchin, Campbell, Perry and Bates:

H. B. 4398 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to exempting residents, who are honorably discharged from the Armed Forces of the United States of America, from the requirement of obtaining a license to hunt, trap or fish in this state”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Skinner, Manchin, Bates, Perdue, Eldridge, Campbell and Guthrie:

H. B. 4399 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-46-7, relating to permitting pharmacists to furnish naloxone hydrochloride in accordance with standardized procedures developed and approved by both the West Virginia Board of Pharmacy and the West Virginia Board of Medicine; and granting rule-

making authority”; to the Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegate Skinner:

H. B. 4400 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §44E-1-1, §44E-1-2, §44E-1-3, §44E-1-4, §44E-1-5, §44E-1-6, §44E-1-7, §44E-1-8, §44E-1-9, §44E-1-10, §44E-1-11, §44E-1-12, §44E-1-13, §44E-1-14, §44E-1-15, §44E-1-16, §44E-1-17 and §44E-1-18, all relating to enacting the uniform fiduciary access to digital assets act; providing for a short title, definitions, applicability, terms of service agreements, procedures for disclosing digital assets, disclosures of content of electronic communications of a deceased user, disclosures of other digital assets of a deceased user, disclosures of contents of electronic communications of principals, disclosures of other digital assets of principals, disclosures of digital assets held in trust when the trustee is the original user, disclosures of the contents of electronic communications held in trust when the trustee is not an original user, disclosures of other digital assets held in trust when the trustee is not an original user, disclosures of digital assets to a conservator of a protected person, fiduciary duties and authorities, custodian compliance and immunity, uniformity of application and construction and relation to electronic signatures in global and national commerce act”; to the Committee on the Judiciary.

By Delegates Skinner, Hornbuckle, Manchin, Fleischauer, Pushkin, Byrd, Rowe and Reynolds:

H. B. 4401 - “A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to voter registration; providing that each person who receives a driver’s license or official identification card is automatically registered to vote without party identification”; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Skinner and Faircloth:

H. B. 4402 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3 and §46A-6N-4, all relating to an e-mail privacy act, confidentiality of electronic communications, search warrant requirement required disclosure of customer records and delayed notice”; to the Committee on the Judiciary.

By Delegates Sponaugle, Phillips, Hartman, Hamilton, Lynch, Perry, Campbell, A. Evans, Romine, Rowan and McGeehan:

H. B. 4403 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendar; and changing mandatory instructional days from one hundred eighty days to minutes based upon minimum amount of hours of instruction offered to students provided by state board rules”; to the Committee on Education.

By Delegates Skinner, Fleischauer, Fluharty, Walters, Flanigan, Moore, Rowe, Byrd, Pushkin, Perdue and Guthrie:

H. B. 4404 - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation; and defining sexual orientation”; to the Committee on the Judiciary.

By Delegates McGeehan, Folk, Ihle, Faircloth, Azinger, Storch and Butler:

H. B. 4405 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-1A-1, §18-1A-2, §18-1A-3, §18-1A-4 and §18-1A-5, all relating to academic content standards in public schools; discontinuing and prohibiting the use of Common Core academic content standards; adopting alternative academic content standards; discontinuing the use of Common Core based assessments; establishing a committee and process for developing alternate statewide assessments of student progress; prohibiting the state board or any public school from sharing student data without parental consent; and prohibiting

acceptance of federal funding if such funding is conditioned upon sharing student data without parental consent”; to the Committee on Education.

House Calendar

Third Reading

S. B. 1, Establishing WV Workplace Freedom Act; on third reading, coming up in regular order, was read a third time.

Speaker Pro Tempore Anderson in the Chair

Delegate Sobonya was addressing the House when Delegate Fluharty arose to a point of order, regarding the content of the Gentlelady’s remarks, to which point the Speaker Pro Tempore asked the Gentlelady from the 18th to confine her remarks to the bill before the House.

Mr. Speaker, Mr. Armstead, in the Chair

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 29**), and there were--yeas 54, nays 46, absent and not voting none, with the nays being as follows:

Nays: Bates, Blackwell, Boggs, Byrd, Campbell, Canterbury, Caputo, Eldridge, A. Evans, Ferro, Flanigan, Fleischauer, Fluharty, Guthrie, Hamilton, Hanshaw, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowe, Shaffer, Skinner, P. Smith, Sponaugle, Statler, Storch, Trecoast and P. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

S. B. 1 -- “A Bill to amend and reenact §21-1A-3 and §21-1A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6 and §21-5G-7, all relating to establishing the West Virginia Workplace Freedom Act; removing certain provisions under the Labor-Management Relations Act for the Private Sector to be consistent with the West Virginia

Workplace Freedom Act; clarifying what constitutes an unfair labor practice under the Labor-Management Relations Act for the Private Sector to be consistent with the West Virginia Workplace Freedom Act; eliminating the statutory provisions that allow an employment agreement to require membership in a labor organization as a condition of employment; granting employees the right to refrain from paying any dues, fees, assessments, or other similar charges, however denominated, of any kind or amount to a labor organization as a condition or continuation of employment; granting employees the right to refrain from paying any dues, fees, assessments, or other similar charges, however denominated, of any kind or amount to any third party, including a charity, in lieu of payment to a labor organization as a condition or continuation of employment; eliminating statutory provisions that allow, as an exception to the prohibitions against unfair labor practices by an employer, an employment agreement to require membership in a labor organization as a condition of employment; eliminating statutory provisions that allow an employer to justify discrimination against an employee for nonmembership in a labor organization in certain circumstances; prohibiting any requirement that a person become or remain a member of a labor organization as a condition or continuation of employment; prohibiting any requirement that a person pay any dues, fees, assessments, or other similar charges, however denominated, of any kind or amount to a labor organization as a condition or continuation of employment; prohibiting any requirement that, as a condition or continuation of employment, a person pay any charity or third party in lieu of paying dues, fees, assessments, or other similar charges, however denominated, of any kind or amount that is equivalent to or a pro rata portion of dues, fees, assessments or other charges required of members of a labor organization; providing that any agreement, contract, understanding or practice of any kind between any labor organization and an employer or public body which provides for the exclusion from employment of any person because of membership in, affiliation with, resignation from, or refusal to join or affiliate with any labor organization or employee organization of any kind to be unlawful, null and void, and of no legal effect; creating a criminal offense for any person who knowingly requires another person,

as a condition or continuation of employment, to perform any conduct prohibited by the West Virginia Workplace Freedom Act; providing for criminal penalties; providing for civil relief; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to recover damages including compensatory and punitive damages, costs and attorney's fees, injunctive relief or other appropriate equitable relief against any person or persons violating or threatening to violate the West Virginia Workplace Freedom Act; providing for exceptions to the application of the West Virginia Workplace Freedom Act; defining terms; establishing provisions addressing the construction, applicability and severability of the West Virginia Workplace Freedom Act; clarifying application of the West Virginia Workplace Freedom Act to collective bargaining or collective bargaining agreements in the building and construction industry; and providing that the West Virginia Workplace Freedom Act applies to any written or oral contract or agreement entered into, modified, renewed or extended after July 1, 2016 and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2016."

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 4311, Relating to qualifications of members of the Board of Landscape Architects; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 30**), and there were--yeas 80, nays 19, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Caputo, Eldridge, Fleischauer, Fluharty, Folk, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Moore, Morgan, Moye, Perry, Pushkin, Skinner and Sponaugle.

Absent and Not Voting: Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4311) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 4313, Relating to qualifications of members of the Board of Architects; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 31**), and there were--yeas 79, nays 20, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Folk, Guthrie, Longstreth, Lynch, Manchin, Miley, Moore, Morgan, Moye, Perdue, Perry, Pushkin, Skinner and Sponaugle.

Absent and Not Voting: Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4313) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

S. B. 32, Relating to withdrawal of candidates for office and filling vacancies; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page two, section eleven, line fourteen, after the words "*special primary elections*", by inserting the following italicized words "*or nonpartisan elections held in conjunction with a primary election*" followed by a colon.

On page two, section eleven, line eighteen, after the words "*special general elections*", by inserting the following italicized words "*or nonpartisan elections held in conjunction with a general election*" followed by a colon.

And,

On page four, section eighteen, line twenty-five, after the words “person who has”, by inserting the word “timely”.

The bill was then ordered to third reading.

Com. Sub. for H. B. 4244, Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4245, Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution’s most recent year-end audited financial statement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 342, Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services,

S. B. 357, Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund,

S. B. 360, Supplemental appropriation to Division of Human Services,

Com. Sub. for H. B. 2366, Relating generally to the solicitation of minors,

Com. Sub. for H. B. 2511, Health Care Sharing Ministries Freedom to Share Act,

Com. Sub. for H. B. 4145, Relating to carry or use of a handgun or deadly weapon,

Com. Sub. for H. B. 4163, Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes,

And,

H. B. 4393, Relating to enhanced penalties for use of a firearm during commission of a felony.

Remarks of Members

Delegate Howell asked and obtained unanimous consent that all remarks regarding the debate on S. B. 1, Establishing WV Workplace Freedom Act be printed in the Appendix to the Journal.

At 4:42 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 5, 2016.